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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 10th meeting
Held at Headquarters, New York, on Thursday, 14 October 2004, at 10 a.m.

Chairman: Mr. Swe ..... (Myanmar)

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04-55291 (E)

The meeting was called to order at 10.20 a.m.

Agenda item 73: Effects of atomic radiation (A/59/46)

1. **Mr. Yamamoto** (Japan), speaking as Chairman of the United Nations Scientific Committee on the Effects of Atomic Radiation, introduced a draft resolution in which the General Assembly would endorse the Scientific Committee's mandate and encourage its activities.

2. Since its establishment in 1955, the Scientific Committee had played a vitally important role in the area of studying sources of ionizing radiation. Although its original mandate had been to assess levels and effects of ionizing radiation, it had subsequently extended its role to embrace new challenges such as radioactive waste, hereditary risks of ionizing radiation, and low-level radiation.

3. Currently the Scientific Committee's estimates were used by Governments and organizations throughout the world as the scientific basis for evaluating radiation risk, establishing nuclear safety and radiation protection standards and regulating radiation sources. For example, they were used by the International Atomic Energy Agency (IAEA) in the discharge of its statutory functions of establishing radiation safety standards and providing for their application. In addition, the information provided by the Scientific Committee was used by the General Assembly in making recommendations, in particular those relevant to international cooperation in the health sector.

4. He expressed appreciation to the World Health Organization, IAEA, the International Commission on Radiation Units and Measurements, the International Commission on Radiological Protection, the International Union of Radioecology and the Nuclear Energy Agency for their participation in the Scientific Committee's fifty-second session as observers.

5. In conclusion, he expressed the hope that, as in previous years, the draft resolution would be adopted by consensus.

6. **Mr. Gerts** (Netherlands), speaking on behalf of the European Union, the candidate countries Bulgaria, Croatia and Romania, the stabilization and association process countries Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro, and the European Free Trade Association country Iceland, said that the most recent report of the Scientific Committee confirmed its status as the principal international body in the field. Despite budgetary constraints, it regularly published reports on a vast array of topics related to the effects of ionizing radiation. The results of the research carried out by the Scientific Committee were a valuable source of reliable information for professional users, and the European Union welcomed the dissemination of that information to a wider readership via the Internet.

7. The European Union welcomed the continued exchange of information and cooperation between relevant international organizations, representatives of which had attended meetings of the Scientific Committee during the current year.

8. The European Union reiterated its full support for the Scientific Committee, which provided the international community with essential and independent information that was necessary for the evaluation of the levels and effects of atomic radiation.

9. **Mr. Myaing** (Myanmar) associated himself with the statement to be made by the representative of Thailand on behalf of the Association of South-East Asian Nations (ASEAN). In view of the limited resources in fossil fuels in that region, atomic energy must be considered an important alternative source of energy. However, with the growing use of nuclear power came an increased risk of leaks of atomic radiation. There was also the danger of the proliferation of nuclear weapons with the attendant worry that they might fall into the hands of terrorists. In that connection, his delegation attached great importance to the work of the Scientific Committee.

10. His delegation was pleased to note that the Scientific Committee had been able to resume its detailed technical discussions at its fifty-second session, held in Vienna in April 2004. However, it wished once again to express concern regarding the inadequacy of the operating budget for the implementation of its programme of work. It was to be hoped that the United Nations Environment Programme (UNEP) would be able to address that issue.

11. Myanmar was one of the countries that had been exercising its legitimate right to use atomic energy for developmental purposes in cooperation with IAEA. The Agency provided sustained assistance in such fields as medicine, agriculture, human resources

development and nuclear technology support, nuclear engineering and technology and nuclear safety, nuclear physics, nuclear chemistry, industry and hydrology, and general energy development. Since 1998 Myanmar had had an Atomic Energy Law, which was intended to regulate all activities related to the use of atomic energy and to prevent the negative effects of atomic radiation on man and the environment. The enactment of that law had brought about an enhancement of contacts with foreign research institutions and organizations, leading to progress in the acquisition of knowledge and the development of technology in the field of atomic energy.

12. Myanmar was also actively participating in regional and interregional projects related, in particular, to the formulation of laws on the safe application of atomic energy, national regulatory controls, occupational radiation protection programmes and the development of the technical basis for the creation of a sustainable radiation protection and radioactive waste disposal infrastructure.

13. Being fully aware of the destructive effects of the production and testing of nuclear weapons, Myanmar had ratified the South-East Asia Nuclear Weapon-Free-Zone Treaty which was designed to protect the region from environmental pollution and the hazardous effects of radioactive waste and other radioactive materials. His delegation believed that to ensure the maximum effectiveness of such treaties it was essential that nuclear-weapon States should cooperate with nuclear-weapon-free-zone States and respect their regimes while giving them the necessary support.

14. It went without saying that comprehensive knowledge of exposure sources and of the negative effects of atomic radiation could only be beneficial to efforts to protect the environment, promote safety in the workplace and reduce risks in its medical applications. In that connection, the Scientific Committee should continue to play its central role in assisting countries by providing relevant scientific information in order to minimize the effects of radiation on human beings and the environment. The Scientific Committee's work therefore deserved further support and cooperation on the part of all Member States and relevant United Nations agencies.

15. **Mr. Cardoso** (Brazil), speaking on behalf of the members of the Common Market of the Southern Cone (MERCOSUR), Argentina, Brazil, Paraguay and Uruguay, and the associated States Bolivia, Chile and Peru, said that those States were very interested in the international community being able to conduct an assessment of the effects of atomic radiation on people, and it was to be hoped that the results of the research being carried out would supplement the existing data on the question.

16. MERCOSUR attached great significance to the Scientific Committee's work on assessing the level and danger of ionizing radiation from natural sources. Evidence of that was provided by the fact that scientists from those countries had been taking part in its work and were cooperating directly with it. MERCOSUR also welcomed the Scientific Committee's work on radionuclide transfer in the environment.

17. In its 49 years of existence the Scientific Committee had made a substantial contribution to ensuring a safe environment. Its findings were recognized and used by a number of international organizations, including the International Commission on Radiological Protection.

18. MERCOSUR approved the Scientific Committee's new programme of work, which envisaged research on such topics as the effects of radiation on workers and the population, radioecology, the evaluation of new epidemiological studies of radiation and cancer medical radiation exposures and the effects of radiation on the immune system. In that connection, he referred to the need to provide the Committee with the appropriate means to fulfil its mandate.

19. In conclusion, he spoke of the commitment of the States members of MERCOSUR and the associated States to the use of nuclear energy exclusively for peaceful purposes. The international agreements and mechanisms to which those countries were Parties guaranteed the peaceful use of the atom in those countries and provided for the free exchange of materials and technologies among their scientific institutions.

Agenda item 20: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*) (A/59/23 (chap. XII, sect. D), A/C.4/59/L.2/Rev.1 and L.4)

***Draft resolution on the question of Western Sahara,* (A/C.4/59/L.4)**

20. **Mr. Bako** (Niger) and **Ms. Simmons** (Bahamas) said that their delegations did not wish to be sponsors of the draft resolution.

21. **The Chairman** said that Barbados, Belize, Botswana, Burundi, Dominica, the Lao People's Democratic Republic, Liberia, Malawi, Micronesia, Nauru, the Niger, Palau, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sierra Leone, Tonga, Trinidad and Tobago, Uganda and Venezuela had become sponsors of the draft resolution, in addition to those listed in document A/C.5/59/L.4. The Bahamas, Barbados, the Lao People's Democratic Republic, the Niger and Saint Kitts and Nevis had indicated that they were no longer sponsors of the draft resolution.

22. **Mr. Bennouna** (Morocco) noted that a number of States had ceased to be sponsors. It occurred to him that they might have been included as sponsors in violation of United Nations norms. His delegation continued to strive for consensus and, as recently as the previous evening, had accepted a compromise formula proposed by the European Union. The Algerian delegation, however, had rejected that formula. The time had come to state openly that a certain delegation was forcing the Committee to vote on the draft resolution, which would run counter to the established procedure and would not be in anyone's interests. The text before the Committee could not be considered a consensus text as the majority of delegations did not support it. Responsibility for the division within the Committee lay with one delegation.

23. **Mr. Baali** (Algeria) said that it was strange to hear a lecture on adherence to the rules from the representative of a country that was occupying another. The implication that delegations had been pressured into becoming sponsors was insulting and unfounded. Indeed, it was an entirely normal occurrence for States first to become and then cease to be sponsors of a draft resolution. Lastly, his delegation regarded the text under consideration as a consensus text. The representative of Morocco should decide whether he would request a vote, bearing in mind that he was responsible for the split within the Committee.

24. **Mr. Bennouna** (Morocco) said that he had already had occasion to explain the inappropriateness of allegations of occupation. The representative of Algeria should refer more often to international law. As to the issue of consensus, the rules of procedure of the General Assembly contained no stipulation in that regard and referred only to voting. The consensus procedure had emerged at the United Nations in a specific historical context. Under that procedure, if the Chairman heard no significant objections in his consultations with the main actors, he would propose that a decision should be adopted without a vote. The Algerian text was not a consensus text, but despite that the Algerian delegation was refusing to acknowledge its responsibility.

25. **Mr. Badji** (Senegal) noted with regret that, instead of adopting a consensus text, the Committee was engaging in a rather heated debate. If a vote was taken on the draft resolution, his delegation would be forced to abstain.

26. **Mr. Baali** (Algeria) said that he pitied the representative of Morocco, who had just alluded to international law: it was painful to see such an eminent jurist, who had devoted his life to the way of law, compelled to defend an unjust cause. The situation with respect to consensus was simple: if a delegation requested that a vote should be taken, a vote was taken, and if not, the decision in question was adopted without a vote. His delegation had not made such a request, nor had any other delegation. The representative of Morocco had a choice: he could either request a vote and take responsibility for the split within the Committee, or he could remain silent, in which case the draft resolution would be adopted without a vote.

27. **Mr. Awad** (Egypt) said that he shared the sentiments expressed by the representative of Senegal. He wished to know whether there was still a chance of achieving a consensus by giving the interested parties more time for negotiation.

28. **Mr. Badji** (Senegal) said that the Chairman must take steps to address the situation that had arisen, guided by the Committee's tradition of negotiation and decision-making by consensus.

29. **The Chairman** said that he could only carry out the Committee's will.

30. **Mr. Baali** (Algeria) said that all possibilities for negotiation and consultation had been exhausted. He requested the Chairman to proceed to a decision on the draft resolution without wasting the Committee's time, particularly since no other formal proposal had been made.

31. **Mr. Badji** (Senegal) said that he wished to make a formal proposal for negotiations to continue with a view to producing a consensus text.

32. **Mr. Baali** (Algeria) said that the sponsors of the draft resolution had been flexible and had met the European Union halfway when it had requested that action on the matter should be deferred for 48 hours. The result was that the representative of Morocco was painting the situation as if the Algerian delegation had suffered a defeat because it had not obtained the adoption of the draft resolution.

33. **Mr. Bennouna** (Morocco), speaking on a point of order, said that that was completely false and that he had merely pointed out to the representative of Algeria the reports in the Algerian press. He demanded that the representative of Algeria should withdraw his comments.

34. **Mr. Baali** (Algeria) suggested that the representative of Morocco should remain silent. He requested the representative of Senegal to withdraw his proposal since all avenues of negotiation had been exhausted.

35. **Mr. Badji** (Senegal) said that he would insist on his proposal for he believed that, if there was more time, there would be a place for negotiations.

The meeting was suspended at 11.30 a.m. and resumed at 12.05 p.m.

36. **Mr. Ndiaye** (Gabon) recalled the Committee's tradition of consensus on the question and expressed the wish that that tradition should be preserved, despite the diverging views. He agreed with the representative of Senegal that it would be wiser to defer action on the draft resolution in order to give both parties time to work out a text that was acceptable to all.

37. **The Chairman** said that everything possible would be done to ensure that the draft resolution was adopted by consensus. If he heard no objection, he would take it that the Committee wished to postpone action on the draft resolution until Monday, 18 October 2004, in accordance with the understanding reached in the consultations held during the suspension.

38. *It was so decided.*

39. **The Chairman** suggested that the Committee should hear an explanation from the representative of the Office of Legal Affairs concerning the procedural implications if no consensus was reached.

40. **Ms. Khalil** (Office of Legal Affairs) said that, although the desire to adopt decisions by consensus had been incorporated in the practice of the General Assembly and its Main Committees, there was no reference in the rules of procedure to consensus, adoption of decisions without a vote or general agreement. The rules of procedure made provision for voting; that did not, however, preclude the adoption of decisions by consensus, where it existed. Thus, if there was nothing to indicate a lack of consensus, decisions could be adopted without a vote. Lack of consensus could be manifested by a direct request for a vote, by an objection to the adoption of a decision without a vote or by an indication that there was no consensus. In any of those cases, the Chairman was obliged to put the draft resolution in question to the vote.

41. **Mr. Badji** (Senegal) said that, while he agreed with the explanation given by the representative of the Office of Legal Affairs, the rules of procedure should be seen in the light of the tasks facing the United Nations as a political forum. Moreover, those rules had been elaborated in a bygone era, when the world had been divided. In the current conditions of globalization and rapprochement of peoples, consensus had virtually become the norm. Voting took place in rare and exceptional cases. Taking that into account, the emphasis should be on uniting countries, not dividing them.

42. **Mr. Baali** (Algeria) said that his delegation respected the legal conclusions just given and was prepared to abide by them. It would not make political judgements about a procedure that had existed for many years, nor would it contest it.

43. **Mr. Bennouna** (Morocco) thanked all delegations that had helped Algeria and Morocco to pursue their dialogue and expressed the hope it would come to a successful conclusion.

Draft resolution on the question of New Caledonia (draft resolution IV), contained in document A/59/23

Draft resolution on the increase in the membership of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in document A/C.4/59/L.2/Rev.1

44. The Chairman said that, if he heard no objection, he would take it that, in the interests of ensuring the effectiveness of the Committee's work, members agreed to defer consideration of the aforementioned draft resolutions.

45. *It was so decided.*

The meeting rose at 12.20 p.m.